

Message Text

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ACTION DLOS-05

INFO OCT-01 EUR-08 ISO-00 IO-04 USIA-06 OES-02 COA-01 CG-00

DOT-00 ACDA-05 FEA-01 AID-05 CEQ-01 CIAE-00 COME-00

DODE-00 EB-04 EPA-01 INR-05 L-01 NSF-01 NSC-05

NSAE-00 PM-03 RSC-01 SS-15 SP-02 FMC-01 INT-05 JUSE-00

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INFO AMEMBASSY DUBLIN

AMEMBASSY LONDON

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E.O. 11652: NA

TAGS: PBOR, PFOR, EFIS, DA, FO, UK, EI, PLOS

SUBJ: DANISH CONCERN OVER BRITISH CLAIM TO ROCKALL

REF: STATE 223410

SUMMARY: THE POSSIBILITY THAT DANISH INTERESTS MIGHT BE INVOLVED IN A RECENT BRITISH CLAIM TO CONTINENTAL SHELF RIGHTS OVER A VAST AREA BETWEEN SCOTLAND AND ROCKALL, AN UNINHABITED ROCK 400 MILES WEST NORTHWEST OF SCOTLAND, IS UNDER INVESTIGATION IN THE DANISH FONOFF. IN VIEW OF FAEROESE INTERESTS, THE DANISH GOVT MAY DECIDE TO PROTEST THE BRITISH ACTION. END SUMMARY.

1. ON OCTOBER 30 THE LOCAL PRESS REPORTED ON
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THE BRITISH DESIGNATION ORDER, CLAIMING THE AREA AS THE U.K.'S CONTINENTAL SHELF, AND ON THE FACT THAT IRELAND

HAD PROTESTED THE BRITISH ACTION.
THEREUPON THE FAEROESE MEMBER OF PARLIAMENT,
ERLENDUR PATURSSON, FILED AN INTERROGATORY ASKING
FONMIN GULDBERG WHETHER THE DANISH GOVT HAD
PROTESTED THE BRITISH CLAIM
RO INTENDED TO DO SO.

2. A BRITISH EMBASSY SOURCE INFORMED EMBOFF THAT IT WAS IN
LATE AUGUST OR EARLY SEPTEMBER THAT THE U.K. ISSUED A
DESIGNATION ORDER, LAYING CLAIM TO THE AREA
AS ITS CONTINENTAL SHELF.
THE CLAIM, HOWEVER, WAS NOT AT THIS TIME, AT LEAST, BASED ON
BRITISH SOVEREIGNTY OVER ROCKALL (ANNEXED IN 1972),
IN VIEW OF CURRENT INTERNATIONAL UNCERTAINTY AS TO
WHETHER SOVEREIGNTY OVER UNINHABITED ISLANDS SHOULD
CONVEY SHELF RIGHTS, BUT UPON THE AREA'S RELATIONSHIP TO
THE SCOTTISH COAST. THE BRITISH ORDER WAS THUS SIMILAR
TO PREVIOUS ORDERS, ACCORDING TO WHICH THE NORTH SEA
SHELF RIGHTS HAD BEEN DIVIDED AMONG THE LITTORAL STATES.
SINCE DELIMITATION AGREEMENTS HAD NOT BEEN CONCLUDED
WITH IRELAND AND DENMARK, THE AREA CLAIMED HAD BEEN
CALCULATED BY THE BRITISH SO AS TO BE WELL WITHIN THE
PROBABLE MEDIAN LINES AND THE IRISH AND DANISH GOVTS
WERE GIVEN SPECIAL NOTICE OF THE BRITISH ACTION.

3. ACCORDING TO THE SAME SOURCE, THE IRISH PROTEST WAS
BASED ON THE GROUNDS, HE THOUGHT, THAT THE MEDIAN LINE
WAS INCORRECTLY DRAWN IN RELATION TO CERTAIN DISPUTED
ISLANDS OFF THE SCOTTISH COAST. HE THOUGHT, SIMILARLY,
THAT EVENTUAL DANISH REACTION WOULD NOT QUESTION THE
PRINCIPLE, BUT MIGHT DISPUTE THE LIMITS OF THE SHELF AREA
CLAIMED.

4. THIS QUESTION, SOURCE POINTED OUT, IS SEPARATE FROM
ANOTHER ROCKALL ISSUE - THAT OF FISHING RIGHTS. APPROX-
IMATELY ONE YEAR AGO, THE U.K. DESIGNATED A TWELVE-MILE
FISHING ZONE AROUND ROCKALL, BASED IN THIS CASE ON ITS
RIGHTS DERIVING FROM THE 1972 ANNEXATION. THE DANES
HAVE FORMALLY RESERVED THEIR POSITION ON THIS ORDER, ON
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TWO GROUNDS: (A) THAT THE FAEROESE HAD TRADITIONAL FISHING RIGHTS
IN THE AREA; AND (B) THAT UNINHABITED ISLANDS DO NOT CONVEY
TERRITORIAL RIGHTS.

5. FREDERIK KIAER (FO LEGAL DIVISION OFFICER-
IN-CHARGE OF LOS QUESTIONS) TOLD EMBOFF THAT ON THE BASIS
OF GEOLOGICAL RELATIONSHIP, THE FAEROES MIGHT HAVE A
BETTER CLAIM, DESPITE THE GREATER DISTANCE, THAN THE U.K.
TO CONSIDER ROCKALL AND THE ROCKALL PLATEAU AN UNIN-
TERRUPTED CONTINUATION OF ITS CONTINENTAL SHELF. KIAER

SAID HE FELT THE BRITISH ACTION, WHICH WAS BASED ENTIRELY ON ARTICLE 1 OF THE 1958 CONVENTION ON THE CONTINENTAL SHELF, WAS INTENDED AS A TEST CASE FOR THE FORTHCOMING LOS SESSION. IN ANY CASE, HE SAID, THIS QUESTION PRIMARILY PITS BRITISH INTERESTS AGAINST THE POTENTIAL INTERESTS OF ANY SUPRANATIONAL SEABED AUTHORITY THAT MIGHT RESULT FROM THE LOS CONFERENCE, IMPLYING THAT IT DIFFERED IN THAT RESPECT FROM THE NORTH SEA CLAIMS..

6. ALTHOUGH THE DANES ARE CONCERNED THAT THE ROCKALL CASE INVOLVES A BASIC LOS PRINCIPLE, THEIR CURRENT SPECIFIC INTEREST IS COMPOUNDED BY POLITICAL CONSIDERATIONS. THE QUADRENNIAL ELECTIONS FOR THE FAEROESE PARLIAMENT (LAGTING) WILL BE HELD NOVEMBER 7, AND THE PRESENT SOCIAL DEMOCRATIC-LED COALITION GOVERNMENT IN THE FAEROES HAS CAMPAIGNED ON ITS EFFORTS TO EXPLOIT THE POSSIBLE GAS AND OIL RESOURCE OF THE FAEROESE SHELF. PATURSSON, WHO IS LEADER OF THE MAJOR OPPOSITION PARTY IN THE FAEROES, INTENDED HIS QUESTION, CONSEQUENTLY, TO SHOW THAT HIS PARTY (THE INDEPENDENCE PARTY) IN EVEN MORE AMBITIOUS IN THIS AREA. SINCE HIS PARTY REPRESENTS THE EXTREME "INDEPENDENCE NOW" LINE FOR THE FAEROES, THE ISSUE IS SOMEWHAT DELICATE. FOR THE PRESENT - AND UNTIL THE ELECTION IS OUT OF THE WAY - THE FONOFF IS SAYING NOTHING MORE THAN THAT THE QUESTION IS BEING STUDIED.
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